

**TOWN OF BUCKEYE
REGULAR COUNCIL MEETING**

JUNE 20, 2006

MINUTES

**Town Council Chambers
100 N. Apache Road
Buckeye, AZ 85326
7:00 p.m.**

1. Call to Order/Pledge of Allegiance/Roll Call.

Mayor Bryant called the meeting to order and lead the Pledge of Allegiance at 7:00 p.m.

Member Present: Councilman Hardesty, Councilman Garza, Vice Mayor Beard, Mayor Bryant, Councilman Doster, Councilwoman May, and Councilman Rioux.

Members Absent: None

Departments Present: Town Manager Carroll Reynolds, Town Attorney Scott Ruby, Town Clerk Lucinda Aja, Police Chief Dan Saban, Fire Chief Scott Rounds, Assistant Fire Chief Bob Costello, Human Resource Director Toni Brown, Management Assistant Sarah Blank, and Development Board Members Jim Zwerg and Boyd Richardson.

2. Comments from the Public.

Dave Everson-Addressed Council about their future challenges and property tax.

CONSENT AGENDA ITEMS

Approval of items on the Consent Agenda - All items with an (*) are considered to be routine matters and will be enacted by one motion and vote of the Council unless a Councilmember requests.

Mayor Bryant requested Item's *3, *G, *H, and *K be pulled for discussion.

Councilman Rioux requested Item's *C and *M be pulled for discussion.

Vice Mayor Beard abstained due to a conflict of interest on Item *4. A motion was made by Councilwoman May and seconded by Councilman Rioux to approve Item *4 as presented. Councilman Hardesty, Councilman Garza, Mayor Bryant, Councilman Doster, Councilwoman May, and Councilman Rioux voted aye. Motion Carried.

Attorney Scott Ruby told Council they may vote on Item *3 if they were comfortable doing so. A motion was made by Councilwoman May and seconded by Vice Mayor Beard to approve Item *3 with the correction of the June 3, 2006 Regular Meeting Minutes of Item 3D, the final vote reading "Mayor Bryant, Councilman Beard, Councilman Doster, Councilman Hardesty, and Councilman Rioux voted aye. Councilwoman May and Councilman Garza voted nay". Motion carried.

After some discussion a motion was made by Councilman Rioux and seconded by Vice Mayor Beard to Table Item *5C until the July 18, 2006 Regular Council Meeting. Motion passed unanimously.

A motion was made by Vice Mayor Beard and seconded by Councilman Hardesty to table Items *5G, *5H, *5I, *5J, and *5K until the July 18, 2006 Regular Council Meeting. Motion passed unanimously.

A motion was made by Councilman Rioux and seconded by Councilwoman May to approve Item *5M with the stipulation that the event coordinators work with our Police Department to provided adequate security for the event at the requestor's expense. Motion passed unanimously.

A motion was made by Vice Mayor Beard and seconded by Councilman Rioux to approve Items *5A, *5B, *5D, *5E, *5F, *5L, *5M, *5N, *5O, and *5P. Councilman Hardesty abstained due to a conflict of interest from Items * 5E, and *5F. Councilman Garza, Vice Mayor Beard, Mayor Bryant, Councilman Doster, Councilwoman May, and Councilman Rioux voted aye on Item *5E. Motion Carried.

Councilman Garza, Vice Mayor Beard, Mayor Bryant, Councilman Doster, Councilwoman May, and Councilman Rioux voted aye on Item *5F. Motion Carried.

***3.** Council approved the minutes of the May 18, 22, 24, and 31, 2006 Special Council/Budget Workshops and the June 6, 2006 Regular Council meeting with a motion correction on Item *3D.

***4.** Council approved the invoices due by the Town for payment. Copies of invoices are available at Town Hall.

***5A.** Council ratified all legal action taken at the June 6, 2006 Regular Council Meeting.

***5B. Ordinance No. 49-06-Annexation- WHITE/CARTER PROPERTIES A05-22**

Council adopted Ordinance No. 49-06 requested by Connie White, and Edward and Darla Carter increasing the corporate limits of the Town of Buckeye by annexing certain territory contiguous to the existing Town limits of the Town of Buckeye, Arizona, four parcels totaling approximately ten acres in size from Maricopa County into the Town, located west of Rainbow Road and south of the Buckeye Canal.

***5C. Ordinance No. 50-06-Annexation- DISCOUNT STEEL A06-03**

Council tabled Ordinance No. 50-06 until the July 18, 2006 Regular Council Meeting, requested by Tamara Smith on behalf of Donald & Betty Smith of Discount Steel, Inc. increasing the corporate limits of the Town of Buckeye by annexing certain territory contiguous to the existing Town limits of the Town of Buckeye, Arizona, one parcel of less than one acres in size from Maricopa County into the Town of Buckeye, located at 1144 N. 191st Avenue, south of Interstate 10 and north of Roosevelt Street.

***5D. Ordinance No. 51-06-Annexation-GILA RIVER EQUESTRIAN ESTATES A05-27**

Council adopted Ordinance No. 51-06 requested by Mahoney Properties Limited Liability Partnership increasing the corporate limits of the Town of Buckeye by annexing approximately 80 acres contiguous to the existing Town limits of the Town of Buckeye, Arizona, generally located west of Miller Road and south of Hazen Road.

***5E. Resolution No. 27-06-Right of Way Abandonment- HARDESTY AB06-03**

Council adopted Resolution No. 27-06 requested by Dawn Hardesty approving the abandonment of Right-of-Way (ROW) along the west side of 6th Street near the southwest corner of Clanton Avenue, also known as a portion of Block 13, Town of Buckeye, Arizona, and lying within the southwest quarter of Section 5, Township 1 South, Range 3 West of the Gila and Salt River Meridian, as recorded in Book 4 of Maps, Pages 44 & 45, Maricopa County Records. Councilman Hardesty declared a conflict of interest and did not participate.

***5F. Ordinance No. 52-06-Rezone- CURL & TEASE SALON RZ05-42**

Council adopted Ordinance No. 52-06 requested by Dawn and Sue Hardesty amending the Zoning Map of the Town of Buckeye of less than one acre located at 517 Clanton Avenue, on at the southwest corner of Clanton Avenue and 6th Street from Mixed Residential (MR) to the Commercial Center (CC) Zoning District. Councilman Hardesty declared a conflict of interest and did not participate.

***5G. Final Plat for Blue Horizons Parcel 13-BLUE HORIZONS PARCEL 13 FP05-53**

Council tabled the Final Plat for Blue Horizons Parcel 13 requested by Mauricio Iaquelli of RBF Consulting on behalf of Matt Cox of Lennar Homes for approximately 12.25 acres consisting of 62 single family lots generally located south of Blue Horizons Parkway South within the north half of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations.

***5H. Final Plat for Blue Horizons Parcel 16- BLUE HORIZONS PARCEL 16 FP05-60**

Council tabled the Final Plat for Blue Horizons Parcel 16 requested by Mauricio Iaquelli of RBF Consulting on behalf of Matt Cox of Lennar Homes for approximately 18.4 acres consisting of 89 single family lots generally located east of Blue Horizons Parkway South within the west half of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations.

***5I. Final Plat for Blue Horizons Parcel 17- BLUE HORIZONS PARCEL 17 FP05-61**

Council tabled the Final Plat for Blue Horizons Parcel 17 requested by Mauricio Iaquelli of RBF Consulting on behalf of Matt Cox of Lennar Homes for approximately 15.54 acres consisting of 66 single family lots generally located north of Blue Horizons Parkway South near the center of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations.

***5J. Final Plat for Blue Horizons Parcel 19- BLUE HORIZONS PARCEL 19 FP05-86**

Council tabled the Final Plat for Blue Horizons Parcel 19 requested by Mauricio Iaquelli of RBF Consulting on behalf of Matt Cox of Lennar Homes for approximately 11.81 acres consisting of 32 single family lots generally located south of Blue Horizons Parkway South within the southwest quadrant of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations.

***5K. Final Plat for Apache Farms- APACHE FARMS FP05-37**

Council tabled the Final Plat for Apache Farms requested by Jacob Shepard of Evergreen Communities on approximately 64.41 acres consisting of 277 lots generally located to the northeast of Apache Road and Broadway Road.

***5L. Jim Zwerg- Development Board**

Council approved the reappointment of Jim Zwerg to the Development Board for a three year term from July 1, 2006 to July 1, 2009.

***5M. DMB Special Events Application-Verrado Independence Day Celebration**

Council approved the request by DMB for a Special Events Application in conjunction with the Verrado Independence Day Celebration to be held on the 4th of July, 2006 with an added stipulation that DMB would consult with the Town Police Department to coordinate adequate security at the requestor's expense.

***5N. Human Resources Department-Critical Positions**

Council authorized the Human Resources Department to post and advertise upon tentative adoption of the Fiscal Year 2006/2007 budget those positions approved as critical positions by the Town Manager.

***5O. Purchase and Sale Agreement and First Amendment between Mrs. Krutoyarsky and the Town of Buckeye**

Council approved the Purchase and Sale Agreement and First Amendment between Mrs. Krutoyarsky and the Town of Buckeye, in the approximate amount of, and not to exceed, \$157,500, plus closing costs.

***5P. Intergovernmental Agreement between Greater Phoenix Economic Council and the Town of Buckeye**

Council approved the Intergovernmental Agreement between Greater Phoenix Economic Council and the Town of Buckeye, in the approximate amount of, and not to exceed, \$8,500 to set forth the Regional Development Program.

6. OLD BUSINESS/TABLED ITEMS

6A. Final Plat for Montana vista II- MONTANA VISTA II FP05-49

A motion was made by Councilwoman May and seconded by Vice Mayor Beard to table, until a later date, the request for Final Plat for approximately 71.48 acre for Montana vista II requested by George Musser, Musser Engineering Consultants, Inc consisting of 283 single-family residential lots generally located at the northeast corner of Apache Road and Roeser Road. Motion passed unanimously.

6B. Final Plat for White Fence Farms- WHITE FENCE FARMS FP05-92

A motion was made by Councilwoman May and seconded by Vice Mayor Beard to approve the Final Plat requested by Michael Sudbeck, Sudbeck Consultants, Inc. for White Fence Farms on approximately 77.7 acres generally located on the southwest corner of Beloit Road and the Rainbow Road alignment. Motion passed unanimously.

7. NEW BUSINESS

7A. Memorandum of Understanding (MOU) and Addendum to Operating Procedures with the Maricopa County Fire Investigation Task Force.

A motion was made by Councilwoman May and seconded by Councilman Garza approve the Memorandum of Understanding (MOU) and Addendum to Operating Procedures with the Maricopa County Fire Investigation Task Force. Motion passed unanimously.

7B. Intergovernmental Agreement between Banner Estrella Medical Center and the Town of Buckeye

A motion was made by Councilwoman May and seconded by Councilman Doster to enter into an Intergovernmental Agreement between Banner Estrella Medical Center and the Town of Buckeye acting through the Buckeye Fire Department (“EMS Agency”). Motion passed unanimously.

7C. Ordinance No. 53-06- Uniform Building Code and Fire Code Amendment

A motion was made by Councilman Rioux and seconded by Councilman Garza to adopt Ordinance No. 53-06 amending the 1997 Uniform Building Code and Fire Code related to automatic fire suppression system requirements. Councilwoman May and Vice Mayor Beard abstained due to a conflict of Interest. Councilman Hardesty, Councilman Garza, Mayor Bryant, Councilman Doster and Councilman Rioux voted aye. Motion carried.

7D. Intergovernmental Agreement (IGA)- between Maricopa County, the City of Surprise, and the Town of Buckeye for the Access Management and Corridor Study for Jackrabbit Trail from Indian School Road to Bell Road

A motion was made by Councilwoman May and seconded by Councilman Doster to approve the Intergovernmental Agreement (IGA) between Maricopa County, the City of Surprise, and the Town of Buckeye for the Access Management and Corridor Study for Jackrabbit Trail from Indian School Road to Bell Road. Motion passed unanimously.

7E. Agreement Between the Town of Buckeye and Nevada Holding Co., L.P. Regarding Reimbursement for Off-Site Infrastructure

Attorney Paul Gilbert was available to answer Council’s questions. Council requests this item be brought back at a worksession. A motion was made by Councilman Doster and seconded by Vice Mayor Beard to table the Agreement between the Town of Buckeye and Nevada Holding Co., L.P. regarding reimbursement for off-site infrastructure to August 1, 2006 Workshop and Regular Council Meeting. Motion passed unanimously.

7F. CMX, L.L.C Wastewater Master Plan-MAG 208 Wastewater Master Plan Amendment

Public Works Director Scott Lowe was available to answer Council’s questions. Ed King addressed Council about the importance of this project. A motion was made by Councilwoman May and seconded by Vice Mayor Beard to award to CMX, L.L.C. a consulting contract for preparation of a Wastewater Master Plan in the amount of \$160,210 in conjunction with the submission of MAG 208 Wastewater Master Plan Amendment within the Buckeye Municipal Planning Area. Motion passed unanimously.

7G. Engineering Services Contract to Clear Creek Associates for Arizona Department of Water Resources (ADWR) for the Town of Buckeye Designation of Assured Water Supplier (DAWS)

Public Works Director Scott Lowe was available to answer Council’s questions. A motion was made by Councilman Rioux and seconded by Councilman Hardesty to table until a later date, the approval of Engineering Services Contract to Clear Creek Associates. Councilman Garza, Vice Mayor Beard, Mayor Bryant, Councilman Doster, and Councilwoman May voted nay. Motion failed. A motion was made by

Councilwoman May and seconded by Vice Mayor Beard to award the Engineering Services Contract to Clear Creek Associates for the purposes of preparing documents necessary to apply to the Arizona Department of Water Resources (ADWR) for the Town of Buckeye Designation of Assured Water Supplier (DAWS) as a sole source procurement in the amount of \$85,330 to be funded from Sundance Water Recharge Fund. Councilman Rioux and Councilman Hardesty voted nay. Councilman Garza, Vice Mayor Beard, Mayor Bryant, Councilman Doster, and Councilwoman May voted aye. Motion carried.

7H. Contract with the Buckeye Valley Chamber of Commerce- \$40,000-Buckeye Business Community

A motion was made by Councilwoman May and seconded by Vice Mayor Beard to enter into a Contract with the Buckeye Valley Chamber of Commerce to act as an advocate for the Buckeye business community in the amount of \$40,000 with a term from July 1, 2006 through June 30, 2007. Motion passed unanimously.

7I. Magistrate and Town Attorney Reporting Structure

Councilwoman May would like to see the Attorney under the Town Manager. Mayor Bryant asked Attorney Scott Ruby what structure other municipalities used. Mr. Ruby stated that there has not been a survey conducted, but normally these positions report to Council. A motion was made by Councilman Rioux and seconded by Councilman Hardesty to approve the reporting structure for the Magistrate and Town Attorney positions to the Council. Motion passed unanimously.

7J. Council to consider and if advisable, approve funding for the extension of the Monroe Water Line

Buckeye Main Street Coalition President Jay Broadbent told Council he recommends this to be approved. Assistant Fire Chief Bob Costello agreed. Councilman Rioux voiced concerns over the hardship on main street business owners. Main Street Director Jim Harkin stated that business owners have been notified. Councilman Doster requested a construction estimate for the additional water and sewer line to be brought to the July 18, 2006 Regular Council Meeting. A motion was made by Councilman Doster and seconded by Councilman Doster to approve funding for the extension of the Monroe Water Line with the requirement of estimates provided to Council for review. Vice Mayor Beard and Councilwoman May abstained due to a conflict of interest. Councilman Hardesty, Councilman Garza, Mayor Bryant, Councilman Doster, and Councilman Rioux voted aye. Motion carried.

7K. Primary and Secondary Tax Revenues and Tax Rates/FY 06-07 Budget

Finance Director Doug Allen showed Council a Powerpoint of what has been completed in the budget process and what the next steps are to completion in the Town's remaining budget processes and the proposed Primary and Secondary Tax Revenues and Tax Rates. Council requested the budget committee to re evaluate the budget to cut spending and then bring it back to Council for discussion.

8. Town Manager's Report

- June 26th at 7 p.m. Earl Edgar Park/ Craig Counsell Field dedication
- Dr. Saide Recreation Center dedication June 30th at 7 p.m.
- Waterline preconstruction is complete for Miller Rd.
- Legislature added Towns could not receive grants for lakes if impact fees apply.

9. Comments from the Mayor and Council

Councilman Hardesty-wants the Town to go back to the use Purchase Orders for purchases and recommendations for procurements. Would like to see complete packets on time.

Councilman Rioux-Wants to see monthly reports from Department Heads.

Councilwoman May-Cemetery Board discussed raising fees and the new section of the Cemetery.

Councilman Doster-Little League will be recognizing Kip Colville's retirement

Councilman Garza-Grand Opening of Fire Station 2 on June 24th. Commended Public Works Director Scott Lowe for adequately providing reflective safety clothing for his staff.

Vice Mayor Beard-None

Mayor Bryant-Will attend his first MAG TPC meeting.

10. Adjournment

There being no further business to come before Council a motion was made by Councilman Rioux and seconded by Councilwoman May to adjourn the meeting at 9:38 p.m. Motion passed unanimously.

Bobby Bryant, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing is a true and correct copy of the Regular Meeting held on the 20th day of June 2006. I further certify that a quorum was present.

Linda Garrison, Town Clerk